

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

DOCKET NO. 04-10299-23-PBS

UNITED STATES OF AMERICA

v.

LUIS E. DEJESUS a/k/a/ EDGARDO

**DEFENDANT'S MOTION FOR A TRIAL BY JURY ON MATTERS OF  
ENHANCEMENT REGARDING THIS DEFENDANT'S SENTENCING**

The defendant, Luis DeJesus, by his attorney, John W. Laymon requests a jury trial on all matters of sentencing enhancement in this case, as established by the Honorable Judge William Young, District Judge in the case of U.S. v. Jose A. Ruiz-Morales, Criminal No. 05-10109-WGY.

As grounds for this motion, the defendant states that following a May 25, 2006 hearing before this Court, he and his counsel have attempted to find a compromise alternative with the U.S. Attorney's office, regarding the potential twenty-one year sentence this Court could impose upon him as an all edged career criminal. Unfortunately, the U.S. Attorney's office has rejected a Rule 11C agreement that he serve 10-12 years in prison in this case. Therefore, the defendant requests that this Court impanel a jury to render a non-binding decision on his sentence, as the Honorable William Young, District Judge, decided in the case of U.S. v. Jose A. Ruiz-Morales, Criminal No. 05-10109-WGY. A non-binding judgment of the jury might assist this Court in determining whether this defendant is eligible for a major downward departure in this case.

The half-day trial on these enhancement matters, as they relate to his sentence can be summarized with two government witnesses. Thereafter, the U.S. Attorney and the defendant could introduce evidence for and against enhancement of the sentence of Luis

DeJesus. In fact, this advisory opinion of the jury can be utilized in concert with the other factors, which assist this Court in devising a sentence, pursuant to U.S.C. § 3553 and U.S. v. Booker, 125 S.Ct. 738 (2005).

Respectfully submitted,  
Luis DeJesus  
By his attorney

/s/ John W. Laymon  
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Certificate of Service

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on the 15<sup>th</sup> day of June, 2006.

/s/ John W. Laymon, Esq.